REGD. GOA - 5

Panaji, 6th August, 1981 (Sravana 15, 1903). SERIES I No. 19

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

—

Notification

1/13/76-PER(Vol. III)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated 25-7-1963, the Lieutenant Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' Non-Ministerial Non--Gazetted posts of Electrostatic Copier and Road Roller Driver in the Public Works Department under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Government of Goa, Daman and Diu, Public Works Department Group 'C' Non-Ministerial, Non-Gazetted posts of Electrostatic Copier and Road Roller Driver Recruitment rules, 1981.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

(*a*) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;

(*b*) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;

(*c*) *Saving:* Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 29th July, 1981.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/ /transfer, grades from which promotion/ deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Electrostatic Copier	One (or as sanctioned from time to time).	Group 'C' non-ministerial non-gazetted.	Rs. 260-6--326-EB--8-350.	Selection	30 years and below (relaxable for Government servants).	*Essential:* 1. S.S.C. or equivalent. 2. Training in Electrostatic photo copying. *Desirable:* 1. One year experience as Electrostatic copier. 2. Knowledge of Konkani and/or Marathi.	No	2 years	By promotion failing which by direct recruitment.	*Promotion:* Group 'D' employees of the P. W. D. possessing the educational qualification of middle class with seven years regular service in the grade and possessing training in Electrostatic Photo copying.	Group 'C' D.P.C.	N. A.
2. Road Roller Driver	34 (as sanctioned from time to time).	— do —	Rs. 260-6--290-EB--6-326-8--366-EB--8-390--10-400.	N. A.	— do —	*Essential:* 1. IV standard or equivalent qualification with knowledge of English. 2. Driving licence for Diesel Road Roller. 3. Unblemished experience of at least 2 years in the line. *Desirable:* Knowledge of Konkani and/or Marathi.	N. A.	— do —	By direct recruitment.	N. A.	N. A.	N. A.

Law Department (Legal Advice)

Notification

LD/2/6/81-(D).

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on 23rd July, 1981 and assented to by the Administrator on 24-7-1981, is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 25th July, 1981.

THE GOA, DAMAN AND DIU APPROPRIATION ACT, 1981

(Act No. 7 of 1981)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services and purposes of the financial year 1981-82.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Appropriation Act, 1981.

2. **Issue of Rs. 1,10,31,16,000 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1981-82.**—From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be paid and applied sums not exceeding those specified in column 5 of the Schedule, amounting in the aggregate [inclusive of the sums specified in column 5 of the Schedule to the Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1981 (Bill No. 5 of 1981)] to the sum of one hundred ten crores thirty one lakhs and sixteen thousand rupees, towards defraying the several charges which will arise for payment during the financial year 1981-82 in respect of the services and purposes specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE

(See Sections 2 and 3)

No. of Demand	Services and purposes	Sums not exceeding: Voted by Assembly	Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1.	Union Territory Legislature and Elections—			
	Revenue ...	14,52,000	*41,000*	14,93,000
2.	Miscellaneous General Services ...			
	Revenue ...	1,39,07,000	*5,50,000*	1,44,57,000
3.	Administration of Justice—			
	Revenue ...	24,85,000	*6,10,000*	30,95,000
4.	Land Revenue, Stamps and Registration—			
	Revenue ...	25,46,000	—	25,46,000
5.	State Excise, Sales Tax and Other Taxes and Duties—			
	Revenue ...	35,21,000	—	35,21,000
6.	Taxes on Vehicles—			
	Revenue ...	6,90,000	—	6,90,000
	— Interest Payments—			
	Revenue ...	—	*7,51,73,000*	7,51,73,000
7.	Police and Fire Services—			
	Revenue ...	2,33,46,000	—	2,33,46,000
8.	Jails—			
	Revenue ...	14,50,000	—	14,50,000
9.	Stationery and Printing—			
	Revenue ...	49,50,000	—	49,50,000
10.	Other General Services—			
	Revenue ...	22,34,000	—	22,34,000
11.	Pension—			
	Revenue ...	1,33,50,000	—	1,33,50,000
12.	Public Works, Housing and Urban Development—			
	Revenue ...	4,70,75,000	*55,000*	4,71,30,000
	Capital (including Loans) ...	4,68,77,000	—	4,68,77,000
	Total ...	9,39,52,000	*55,000*	9,40,07,000
13.	Roads and Bridges—			
	Revenue ...	1,56,50,000	—	1,56,50,000
	Capital	3,04,02,000	—	3,04,02,000
	Total ...	4,60,52,000	—	4,60,52,000
14.	Education, Art and Culture—			
	Revenue ...	13,62,57,000	—	13,62,57,000
	Capital (including Loans) ...	24,61,000	—	24,61,000
	Total ...	13,87,18,000	—	13,87,18,000
15.	Medical, Family Welfare and Public Health, Sanitation and Water Supply—			
	Revenue ...	8,31,30,000	—	8,31,30,000
	Capital	3,30,00,000	—	3,30,00,000
	Total ...	11,61,30,000	—	11,61,30,000
16.	Information and Publicity—			
	Revenue ...	14,49,000	—	14,49,000

1	2	3	4	5
		Rs.	Rs.	Rs.
17.	Labour and Employment —			
	Revenue ...	65,48,000	—	65,48,000
18.	Social Security and Welfare, Relief on account of Natural Calamities and Food —			
	Revenue ...	86,45,000	—	86,45,000
	Capital (including Loans) ...	9,01,40,000	—	9,01,40,000
	Total ...	9,87,85,000	—	9,87,85,000
19.	Cooperation and Community Development —			
	Revenue ...	1,00,10,000	—	1,00,10,000
	Capital (including Loans) ...	60,11,000	—	60,11,000
	Total ...	1,60,21,000	—	1,60,21,000
20.	Other Economic Services and Mines and Minerals—			
	Revenue ...	35,40,000	—	35,40,000
21.	Agriculture and Allied Services —			
	Revenue ...	4,20,69,000	—	4,20,69,000
	Capital (including Loans) ...	3,94,30,000	—	3,94,30,000
	Total ...	8,14,99,000	—	8,14,99,000
22.	Irrigation and Power Projects —			
	Revenue ...	11,18,00,000	—	11,18,00,000
	Capital	10,13,25,000	—	10,13,25,000
	Total ...	21,31,25,000	—	21,31,25,000
23.	Industries —			
	Revenue ...	45,50,000	—	45,50,000
	Capital (including Loans) ...	1,19,51,000	—	1,19,51,000
	Total ...	1,65,01,000	—	1,65,01,000
24.	Road and Water Transport Services (including Ports) —			
	Revenue ...	96,20,000	—	96,20,000
	Capital	66,57,000	—	66,57,000
	Total ...	1,62,77,000	—	1,62,77,000
25.	Tourism —			
	Revenue ...	47,50,000	—	47,50,000
	Capital (including Loans) ...	85,00,000	—	85,00,000
	Total ...	1,32,50,000	—	1,32,50,000
—	Public Debt —			
	Capital (Public Debt)	—	*8,85,59,000*	8,85,59,000
26.	Loans and Advances by the Union Territory Governments —			
	Capital (Loans and Advances)	63,50,000	—	63,50,000
	GRAND TOTAL ...	93,81,28,000	*16,49,88,000*	1,10,31,16,000
	Revenue ...	55,50,24,000	*7,64,29,000*	63,14,53,000
	Capital (including Public Debt and Loans) ...	38,31,04,000	*8,85,59,000*	47,16,63,000

U. D. SHARMA
Secretary to the Government of Goa, Daman and Diu.
Law Department (Legal Advice)

Secretariat,
Panaji,
Dated: 25th July, 1981.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/1341/81

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 27th July, 1981 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Public Health Bill, 1981

(Bill No. 11 of 1981)

A

BILL

to make provision for advancing the Public Health in the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows: —

CHAPTER I

Preliminary

1. **Short title, extent and commencement.** — (1) This Act may be called the Goa, Daman and Diu Public Health Act, 1981.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. **Definitions.** — In this Act, unless the context otherwise requires, —

(1) "building" includes, —

(a) a house, out-house, stable, latrine, godown, shed, but-wall (other than a boundary wall not

exceeding 2.5 metres in height) and any other such structure, whether built with bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheel or simply resting on the ground without foundations; and

(c) a ship, vessel, boat, tent, van and any other such structures used for human habitation;

(2) "cattle" includes elephants, camels, mules, asses, horses, cows, buffaloes, bulls, bullocks, sheep, goats, dogs and pigs and the young ones of these species;

(3) "Collector" means the Collector of Goa, the Collector of Daman and the Civil Administrator, Diu and includes an Additional Collector;

(4) "Director" means the Director of Health Services, Government of Goa, Daman and Diu;

(5) "drain" means a house-drain or a drain of any other description and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or subsoil water;

(6) "drug" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine;

(7) "dwelling house" means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connection therewith;

(8) "factory" means any premises including the precincts thereof wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(9) "filth" means, —

(a) nightsoil and other contents of latrines, cesspools and drains;

(b) dung and the refuse of useless; or

(c) putrid and putrifying substances;

(10) "food" includes every article consumed or used by man, for food, drink, or chewing, and all materials used or admixed in the composition or preparation of such article and shall also include flavouring and colouring matter and condiments;

(11) "Government" means the Government of the Union territory of Goa, Daman and Diu;

(12) "Health Officer" means the Health Officer appointed by the Government under section 8;

(13) "house drain" means any drain actually used, or intended to be used for the drainage of one or more premises;

(14) "hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch, or metallic sheets, and includes any temporary structure of whatever size or any small building of whatever material made, which the local authority may declare to be a hut for the purposes of this Act;

(15) "infectious disease" means an infectious disease as defined in section 47 and includes notified diseases as defined in section 57;

(16) "latrine" includes privy, water-closet and urinal, whether public or private, or whether open or flushout;

(17) "local area" means the area within the jurisdiction of a local authority;

(18) "local authority" means, —

(a) in any municipal area, the Municipal Council concerned;

(b) in any other area, the Village Panchayat concerned;

(19) "lodging house" means a hotel, a boarding house, a choultry, dharmas' ala or rest-house not maintained by the Government or a local authority, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment but does not include —

(a) a students' hostel under public or recognized control, or

(b) retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both;

(20) "magistrate" means a Magistrate as construed under section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(21) "notification" means a notification published in the Official Gazette;

(22) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right;

(23) "occupier" includes, —

(a) any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building, or part; and

(b) a rent-free occupant;

(24) "offensive matter" includes, —

(a) filth as defined in clause (9); and

(b) sewage as defined in clause (31);

(c) dirt, house sweepings, spittings, including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris, and waste paper;

(25) "offensive trade" means any trade in which the substances dealt with are, or likely to become, a nuisance;

(26) "owner" includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connection with which the word is used;

(27) "panchayat" means a village Panchayat constituted under the Goa, Daman and Diu Village Panchayat Regulations, 1962 (9 of 1972);

(28) "prescribed" means prescribed by the Government by rules made under this Act;

(29) "private street" means any street, road, square, court, alley, lane, passage or riding-path which is not a "public street", but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

(30) "public street" means any street, road, square, court, alley, lane, passage or riding-path, whether a thoroughfare or not, over which the public have a right of way, and includes, —

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, veranda, or other structure which lies on either side of the roadway upto the boundaries of the adjacent property whether that property is private property or property belonging to the Central Government or the Government;

(31) "sewage" means nightsoil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds;

(32) "street" means a public or a private street;

(33) "urban local area" means the area within the jurisdiction of an urban local authority;

(34) "urban local authority" means a Municipal Council constituted under the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) and includes any panchayat notified by the Government as an urban local authority for the purposes of this Act;

(35) "venereal disease" means syphilis, gonorrhoea, soft-chancre, venereal granuloma or lymphogranuloma;

(36) "water-course" includes any river, stream or channel, whether natural or artificial, other than a drain;

(37) "workplace" means any premises including the precincts thereof (not being a factory or a workshop) wherein is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration;

(38) "workshop" means any premises including the precincts thereof (not being a factory) wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

CHAPTER II

Controlling Authorities and their powers

3. Constitution of Public Health Board. — (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for the Union territory of Goa, Daman and Diu, a Public Health Board consisting of the following members, namely: —

(a) the Minister for Public Health;

(b) the Director of Health Services;

(c) Director of Municipal Administration;

(d) Collector;

(e) Chief Town Planner;

(f) three persons nominated by the Government.

(2) Members nominated under clause (f) of sub-section (1) shall hold office for a period of one year from the date of nomination but shall be eligible for re-nomination.

(3) The Minister for Public Health shall be the President of the Public Health Board and the Director of Health Services shall be its Secretary.

4. Functions of the Public Health Board. — (1) The Public Health Board shall advise the Government on such matters as the Government may, from time to time, refer to it.

(2) The meetings of the Board and the mode of transaction of meetings shall be governed by such regulations as may be framed by it.

(3) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the President, the Secretary or a member.

5. Powers of Government and of Director of Health Services. — (1) The Government shall have power to inspect, control and superintend the operation of local authorities under this Act.

(2) The Government may, from time to time, define the powers to be exercised and the duties to be performed, by the Director or any member of his staff for the purposes of sub-section (1).

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to affect, or derogate from any powers possessed by the Government or the Collector under any other law for the time being in force.

6. Power of Government to direct performance by Government of any function devolving on Local authorities. — The Government may, by notification, direct that in respect of any function to be performed by a local authority under this Act and specified in the notification, the Government, and not the local authority, shall be the local authority in all or any areas which are comprised within the jurisdiction of such a local authority.

7. Powers of Director to recommend measures for improvement of Public Health. — The Director may, from time to time as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the public health administration in the local area, or for safeguarding the public health therein:

Provided that, if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of

opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

8. **Appointment of Health Officer.** — The Government shall appoint, for each local area a Health Officer with such qualifications as may be prescribed, for the purposes of this Act.

9. **Appointment of temporary Health Officers in emergency.** — (1) In the event of the prevalence or threatened outbreak of any infectious disease in any area, or of any unusual mortality therein, the Government may by order, appoint temporarily, for such period as may be specified therein, one or more additional Health Officers, for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of, and preventing such mortality, as the case may be.

(2) For the purpose of sub-section (1) the Government may appoint any medical practitioner registered under the Indian Medical Council Act, 1956 (Central Act 102 of 1956), either on an honorary basis or on such salary and allowances or both as the Government may fix.

10. **Delegation of powers of Health Officer.** — (1) The Government may, by general or special order, authorise any officer of the Government or of a local authority, to exercise such of the powers of a Health Officer under this Act, in such area, and subject to such restrictions, limitations and conditions and to such control and revision, as may be specified in such order.

11. **Appointment of persons to carry out the provisions of this Act.** — Notwithstanding anything contained in this Act or in any other Act or Acts governing the local authority or authorities concerned, the Government may, by general or special order, appoint any person or persons to carry out such provisions of this Act and in such areas, as may be specified in the order.

12. **Health Officer's control over public health staff.** — (1) The Health Officer in-charge of any local area shall exercise supervision and control over all other members of the public health establishment of such area.

(2) (a) Save as otherwise provided in this Act or in any rules or regulations made under it, all appointments, transfers and punishments of the members of the public health establishment under the supervision and control of the Health Officer shall be made by the Health Officer, subject to the approval of the Director.

(b) If for any reason the local authority disagrees with the orders of the Health Officer under clause (a) the local authority shall refer the matter to the Government, whose decision shall be final.

13. **Authorisation of Health Officer to perform the functions of local authority in public health matters.** — The Health Officer shall perform such of the functions and discharge such of the duties of the local authority in regard to public health matters under any of the provisions applicable to such local authority subject to such appeal and control as the Government may, by general or special order, determine.

CHAPTER III

Water-Supply

14. **Local authority to provide potable water.** — Wherever a local authority has made a provision for supply of drinking water for consumption by the inhabitants of the area within its jurisdiction, it shall ensure, —

(a) that the water-supply is continuous throughout the year; and

(b) that the water supplied is at all times wholesome and fit for human consumption.

15. **Power of Government to direct local authority to execute water works.** — (1) If in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authorities of areas in the neighbourhood which are similarly situated to execute within such time as the Government may fix, such works as may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption.

(2) A local authority may, with the previous sanction of the Government —

(a) construct, lay or erect filters, reservoirs, engines, conduits, pipes or other works outside the limits of its local area, for supplying water within its area;

(b) purchase or take on lease any waterwork, or any right to store or to take, convey water, either within or without the limits of its local area; and

(c) contract with any local authority or other person or agency for the supply of water.

(3) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond, or other source of water-supply whether within or without the limits of its local area (other than a source under the control of the Government) from which water is or may be made available for the use of the public and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes.

16. **Power of Government to divert water from water-main belonging to a local authority.** — The Government shall have power to take water from any water-main belonging to or in the control of, a local authority for supply of water to any other area, subject to such payment being made to the local authority concerned and subject also to such other conditions as the Government may consider reasonable:

Provided that before taking action under this section, the Government shall communicate to the local authority the grounds on which they propose to do so, fix a reasonable period for the local authority to show cause against the proposal, and consider its explanation or objections, if any.

17. **Power of Collector in regard to water-supply.** — (1) The Collector or any other officer appointed by the Government in this behalf, may cause inqui-

ries to be made in any local area or part thereof, with a view to ascertaining —

(a) whether the source of water-supply for such local area or part is contaminated from any cause against which effective means or protection can be taken; and

(b) whether the provision of any additional source or sources of water-supply is necessary for such local area or part thereof.

(2) The Collector or other officer aforesaid may after taking into consideration the result of such inquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be:

Provided that before issuing a notice under this sub-section, the Collector or other officer aforesaid shall give the authorities or persons interested a reasonable opportunity to make any representations they may wish to make and consider the same.

(3) Against any direction issued by the Collector or other officer under sub-section (2) an appeal shall lie to the Government whose decision shall be final.

(4) (a) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority or authorities or the person or persons by whom and the period within which, they are to be executed.

(b) The notice shall, —

(i) be published in the prescribed manner; and

(ii) be served on the local authority or on the persons owning or having control over the source of water-supply, as the case may be, in the prescribed manner.

(5) If directions contained in the notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein.

18. **Power of Director to direct local authority to improve water-supply.** — If the Director is satisfied upon investigation that any source of public water-supply in local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is, in his opinion, desirable, he may, by order, direct the person in-charge to take such measures as may be specified therein; and such person shall take action accordingly.

19. **Railway administration to submit samples of drinking water for analysis.** — In the case of any railway in the territory the Government may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner, and at such intervals, as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such railway. For such analysis, the authority aforesaid shall pay to the Government, such fee as may be prescribed.

20. **Rules for protection and periodical examination of water-supply.** — The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in the Union territory of Goa, Daman and Diu.

21. **Health Officer's powers in regard to insanitary sources.** — (1) The Health Officer may, at any time, by written notice require that the owner of or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (d) within such time as may be specified in the notice not being less than thirty days from the receipt thereof —

(a) keep and maintain any such source of supply in such manner as the Health Officer may direct; or

(b) cleanse any such source of water-supply from silt, refuse and vegetation; or

(c) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct; or

(d) fill in, repair, protect or enclose in such manner as the Health Officer may direct, any such source of water-supply, if for want of sufficient repair, protection or enclosure, such source of water-supply is, in his opinion, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same; or

(e) desist from using, and from permitting others to use for drinking purposes any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or

(f) close any such source of water supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if, in his opinion, the water is unfit for drinking; or

(g) drain off or otherwise, remove from any such source of water-supply or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Health Officer considers to be injurious to health or offensive to the neighbourhood:

Provided that the provisions of clause (a) and (b) shall not apply to a stream:

Provided further that a notice shall not be issued under clause (f) unless a notice has first been issued under clause (e) and the source of water-supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the Health Officer considers that such use cannot be prevented otherwise than by the issue of a notice under clause (f).

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued

under sub-section (1) within the time specified therein, the Health Officer may, if immediate action is necessary to protect the health or safety of any person or persons, at once proceed to execute the work specified in such notice; and all the expenses incurred in respect thereof by the Health Officer shall be paid by the owner of, or person having control over such source of water-supply and shall be recoverable as if it were a tax due to the local authority concerned:

Provided that in the case of any private source the water of which is used by the public or by any section of the public as of right, the expenses which have been incurred by the Health Officer or have been necessarily incurred by the owner of or person having control over the source of water-supply shall be paid from the funds of such authority as the Government, by order, determine.

22. New house not to be occupied without adequate water-supply. — No owner of any dwelling-house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied until he has obtained a certificate from the Health Officer that there is within the house, or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

CHAPTER IV

Drainage

23. Local authority to maintain public drains. — (1) Every urban local authority shall, so far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual drainage of its local area.

(2) If, in the opinion of the Government, any local area or part thereof should, for any special reason, be provided with a system of public drain or with any other means of drainage, they may direct the local authority concerned to provide or execute, within such time as may be fixed in this behalf, such works as may be considered necessary.

(3) The local authority shall at all times keep in good repair all drains, cesspools and the like vested in or belonging to it.

24. Power of Health Officer to require drains to be constructed. — (1) If any premises are, in the opinion of the Health Officer, without sufficient means of effectual drainage, he may, by notice direct the owner of such premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage:

Provided that if, in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice, require the owner of the premises to construct —

(i) a closed cesspool, septic-tank, filter or other work of such material, size and description, as he may direct; and

(ii) a house-drain communicating with such closed cesspool, septic-tank, filter or other work.

(2) Where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct or alter any drain the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed.

25. Drains in private streets. — Where a house-drain belonging to one or more premises has been laid in any private street which is common to more than one premises and the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his house-drain with such first-mentioned drain; and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made —

(a) except upon such terms as may be mutually agreed upon between or among the owners concerned, or

(b) in default of such agreement, except upon such terms as may be laid down by the local authority and in particular, until any payment which may be directed by the local authority to be made to the owner or owners concerned has been duly made.

26. **Drainage for huts.** — (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such material as may be considered by the Health Officer to be practicable, having regard to the circumstances of the locality and the position of the nearest public drain or other place set apart by the local authority for the discharge of sewage.

(2) If the Health Officer considers that a new drain should be constructed for the benefit of the occupants of any hut, he may, by notice, require the owner of the land on which such hut stands, to construct such drain and such owner shall construct such drain, and cause it to be cleansed and repaired to the satisfaction of the Health Officer.

27. Drainage of court-yard, alley, passage, etc. — For the purpose of efficiently draining any land or building the Health Officer may, by notice, require the owner of any court-yard, alley, lane, passage or open space —

(a) to raise or pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or

(b) to raise the level of such court-yard, alley, lane, passage or open space.

Explanation. — It shall be open to the Health Officer to require that in any case both the measures specified in clauses (a) and (b) shall be taken.

28. Construction and closure of cesspools. — (1) No person shall construct a cesspool —

(a) beneath any part of any buiding or within such distance of any tank, reservoir, water-

-course or well or within such other distance therefrom as the Health Officer may consider to be practicable having regard to the circumstances of the locality; or

(b) within any local area or outside such area but within three hundred feet of any reservoir used for the storage of filtered water to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.

(2) The Health Officer may, at any time, by notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1) to remove such cesspool or to fill it up with such material as may be approved by him.

29. **Prohibition of occupation of new building.** — No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage.

30. **Sullage or sewage not to be let out into street.** — No person having control over any building or land shall cause or allow —

(a) the water of any sink, sewer, latrine or other sanitary convenience, or any other liquid or other matter which is, or is likely to become offensive to run into a drain, or to be thrown or put upon, any street or open space or to soak through any external wall; or

(b) any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a surface drain in any street.

31. **Injurious refuse not to be discharged into public drain.** — No person shall, save as may be generally or specially prescribed, throw, empty, or turn, or suffer or permit to be thrown, emptied or turned or to pass, into any public drain, or into any drain communicating with a public drain —

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of such contents; or

(b) any liquid being refuse or steam or other liquid which is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any explosive or inflammable substance.

32. **Pollution of water prohibited.** — No person shall save as may be generally or specially prescribed —

(1) put, or cause to be put or cause to fall or flow or be carried or knowingly permit to be put or to fall or flow or be carried, into any water-course, lake, tank, sea-water within five kilometres from the shore —

(a) any solid or liquid sewage matter, or

(b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or

(2) put, or cause to be put, or cause to fall or be carried or knowingly permit to be put or to fall or be carried, into any water-course, so as, either singly or in combination with other similar acts of the same or any other persons, to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or putrid solid matter, or

(3) commit nuisance in or in the neighbourhood of any water-course.

CHAPTER V

Sanitary convenience

33. **Obligation of local authority to provide public sanitary conveniences.** — Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such places to be kept in proper order so as not to be a nuisance or injurious to health.

34. **New houses to be provided with sanitary conveniences.** — If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

35. **Additional sanitary conveniences.** — (1) If any building intended for human habitation is without any sanitary convenience or if, in the opinion of the Health Officer, the sanitary convenience or convenience provided therein are insufficient, having regard to the number of persons occupying the building or are inefficient, or are objectionable on sanitary grounds, he may, by notice in writing require the owner of such building —

(a) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions, as may be specified in the notice, or

(b) to make such structural or other alterations as may be specified in the notice.

(2) Every owner of the land on which a group of six or more huts stand shall provide such latrine accommodation, in such positions, and within such time as the Health Officer may, by notice, require, for the use of the inhabitants of such group of huts.

36. **Mode of construction of latrines.** — (1) All latrines shall —

(a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood; and

(b) be maintained, repaired, altered and used in accordance with the rules and bye-laws made under this Act.

(2) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Act, is so placed or constructed as to be nuisance or offensive to public decency, the Health Officer may, by notice in writing require the owner to remove it or to carry out such improvements therein and within such time as may be specified in the notice.

(3) When any latrine is used in common by the occupiers of two or more premises or by the members

of two or more families, no person shall injure or improperly foul any such latrine or anything used in connection therewith.

CHAPTER VI

Abatement of nuisances

37. **Certain things to be nuisances.** — Without prejudice to the generality of the definition of the expression "nuisance" contained in clause (22) of section 2, the following shall be deemed specifically to be nuisances for the purposes of this Chapter —

(1) any premises in such a state as to be prejudicial to health;

(2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cesspool, drain or ashpit which is so foul or in such a state as to be prejudicial to health;

(3) any animal kept in such a place or manner as to be prejudicial to health;

(4) any accumulation or deposit of refuse or other matter which is prejudicial to health;

(5) any factory, workshop or work place, which is not provided with sufficient means of ventilation or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so overcrowded while work is carried on as to be prejudicial to the health of those employed therein;

(6) any fireplace or furnace which does not as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse or gaswork, or in any manufacturing or trade process whatsoever;

(7) any chimney sending forth smoke in such quantity as to be a nuisance; and

(8) any noise, vibration, dust, cinders, irritating smell, noxious vapours or offensive odour produced by a factory, workshop or workplace or an installation and which is a nuisance to the neighbourhood.

38. **Detection of nuisance.** — Every local authority shall, — (a) cause its local area to be inspected from time to time with a view to ascertain what nuisance exist therein calling for abatement under the powers conferred on such authority by this Act, and

(b) enforce the provisions of this Act in order to abate such nuisances.

39. **Information regarding nuisance.** — Any person aggrieved by a nuisance in any local area may give information of the same to the Health Officer or any other officer of the local authority.

40. **Power of Health Officer to abate nuisance.** — If the Health Officer is satisfied, whether upon information given under section 39 or otherwise, of the existence of a nuisance, he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found, the owner or occupier of the premises on which the nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that —

(a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and

(b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the Health Officer may himself forthwith do what he considers necessary to abate the nuisance and to prevent a recurrence thereof.

41. **Power of local authority to abate nuisance.** — If the person on whom a notice to abate a nuisance has been served under section 40 makes default in complying with any of its requirements within the time specified therein or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance or to prevent its recurrence, as the case may be, and may recover the cost from such persons as if it were a tax due to the local authority.

42. **Provision regarding house rendered unfit for occupation by reason of nuisance.** — Where a house or other building, is in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate to prohibit the use of such house or building for human habitation until it is rendered fit therefor.

43. **Disposal of articles removed while abating nuisance.** — (1) The Health Officer may sell any material which have been removed by him from any premises when executing works under this Chapter or otherwise carrying into effect the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority.

(2) A Health Officer selling any materials under sub-section (1), shall pay the sale-proceeds to the person to whom the materials belonged after deducting therefrom the amount of any expenses recoverable from him by such authority.

(3) The provisions of this section shall not apply to any offensive matter removed by a local authority under the Act governing such authority.

44. **Powers of entry and inspection.** — Any Officer of the Public Health Department of the Government not below the rank of Health or Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this Chapter:

Provided that —

(a) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise;

(b) no dwelling house shall be so entered without the consent of the occupier thereof, and unless he has been served at least twenty-four hours previous notice of the intention to make such entry;

(c) sufficient notice shall in every case be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may be preserved; and

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry to the social and religious usages of the persons residing in the premises.

45. **Nuisance caused by act or omission outside local area.** — If a nuisance under this Act within, or affecting any part of a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the Health Officer may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances, authorised by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

46. **Prohibition of the deposit of rubbish, etc. in streets, etc.** — (1) No person shall deposit or cause or suffer any member of his family or household to deposit any carcasses of animals, any dust, dirt, dung, ashes, or refuse or filth, earthenware or other rubbish, or any other thing which is or may be a nuisance in any street or in any arch under a street, or in any drain beside a street, or on any open space or on any quay, jetty or landing place of or any part of the sea-shore, or on the bank of any water-course, except in such receptacles as may be provided at such places, in such manner and at such hours, as may be fixed by the local authority.

(2) No person shall cause himself or cause, permit or suffer any member of his family or household to ease himself in any such street, arch, drain, open space, quay, jetty, landing place, sea-shore or bank aforesaid.

(3) Any person easing himself in any private open space shall immediately cover up the excreta with earth.

CHAPTER VII

Prevention, notification and treatment of diseases

47. **Infectious diseases.** — For the purposes of this part, 'infectious diseases' means (a) acute influenzal pneumonia, (b) anthrax, (c) cerebrespinal fever, (d) chickenpox, (e) cholera, (f) diphtheria, (g) enteric fever, (h) leprosy, (i) plague, (j) rabies, (k) relapsing fever, (l) smallpox, and any other disease which the Government may from time to time, by notification, declare to be an infectious disease either generally throughout the Union territory or in such part or parts thereof as may be specified in the notification.

48. **Appointment of additional health staff.** — (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipments and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious diseases and preventing it from spreading or for investigating the cause of such mortality, and preventing it, as the case may be:

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred to the Director whose decision shall be final.

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interest of public health, he may, notwithstanding anything contained in sub-section (1), appoint such staff and obtain such medicines, appliances, equipments and other things as may be necessary; and the expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported forthwith to the local authority concerned.

49. **Provisions and maintenance of isolation hospitals and wards.** — (1) (a) The local authority may, and if so required by the Government shall provide or cause to be provided hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.

(b) For the purpose of the reception and treatment of such persons a local authority may —

(i) itself build such hospitals, wards or places of reception, or

(ii) contract for the use of any existing hospital or part of such hospital or place of reception, or

(iii) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein of persons suffering from infectious diseases.

(c) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards and places of reception in question are maintained in accordance with such general or special orders as may from time to time be issued by the Director.

50. **Provision of ambulances, etc.** — The Director, shall, —

(a) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for free carriage of persons suffering from any infectious diseases; and

(b) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection, and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

51. **Medical practitioners to give information of certain infectious diseases.** — Every medical practitioner who in the course of his practice becomes cognizant of the existence of any case of enteric fever or tuberculosis in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information of the same with the least practicable delay —

(a) in a local area, to the local authority concerned; and

(b) in any other area, to the Health Officer, or a Health or Sanitary Inspector;

Explanation. — In this section 'medical practitioner' includes a hakim or vaidya whether registered or not.

52. **Prohibition of the use of water from suspected source.** — (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is liable to endanger or cause the spread of any infectious disease, he may, by public notice, prohibit the removal for use of the said water generally or for any specified domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued in contravention of the terms thereof.

53. **Removal of infected person to hospital.** — (1) If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person —

(i) is without proper lodging or accommodation; or

(ii) is without medical supervision directed to the prevention of the spread of the disease, or

(iii) is lodging in a place occupied by more than one family; or

(iv) is in a place where his presence is a danger to the people in the neighbourhood; and

(v) should be removed to a hospital or other place at which patients suffering from such disease are received for treatment, the Health Officer may remove such person or cause him to be removed to such hospital or place.

(2) If any woman who, according to custom, does not appear in public is removed to any such hospital or place —

(i) the removal shall be effected in such a way as to preserve her privacy; and

(ii) special accommodation in accordance with the customs aforesaid shall be provided for her in such hospital or place.

(3) No person shall leave or be taken away from, any hospital or other place referred to in sub-section (1) without the permission of the Medical Officer in-charge or of the Health Officer.

(4) Whoever —

(a) obstructs the removal of any person to any hospital or other place under sub-section (1), or

(b) leaves or takes away any person from any such hospital or place in contravention of sub-section (3), shall be punished with imprisonment which may extend to three months or with fine, or with both.

54. **Prohibition of the exposure of other persons to infections.** — (1) No person who knows that he is suffering from an infectious disease specified in this Chapter shall expose other persons to the risk of infection by his presence or conduct in —

(a) any market, college, playground, or such other place, or

(b) theatre or other place of entertainment or assembly, or

(c) any hotel, hostel, boarding house, choultry, rest-house or club, or

(d) any factory or shop.

Explanation. — A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Health or Sanitary Inspector or a Medical Practitioner that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

55. **Infected person not to engage in certain trades and occupations.** — No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease —

(a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or

(b) engage in any other occupation without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

56. **Prevention of infectious diseases transmissible from animals.** — If, in any local area, any infectious disease transmissible to man breaks out or is, in the opinion of the Health Officer, likely to break out amongst cattle or other animals it shall be the duty of the Health Officer to recommend to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof; and the local authority shall consider such recommendations and take such action thereon as to it may deem suitable.

PART II

NOTIFIED DISEASES

57. **Notified diseases.** — In this part, "notified disease' means, any disease which the Government may, from time to time, by notification, declare to be a notified disease for the purpose of this part either generally throughout the Union territory or in such part or parts thereof as may be specified in the notification.

58. **Occupation of houses to prevent the spread of infection.** — (1) The Health Officer may, in cases

of emergency, with the sanction of the Collector, enter upon, occupy and use, or depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894), any building or place which in the opinion of the Health Officer, is required, and is suitable for any purposes connected with the prevention or control of infection from a notified disease:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupant, or be conspicuously affixed on such building or place not less than thirty-six hours before it is entered upon.

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Collector.

(3) The Health Officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleaned.

59. **Information regarding notified disease.** — Every medical practitioner, who in the course of his practice becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital and every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of a notified disease, shall, if the case has not been already reported, give information of the same with the least practicable delay —

(a) in local areas, to the local authority, the Health Officer or a Sanitary Inspector, and

(b) in other areas, to the Health Officer, a Health or Sanitary Inspector or the village Sarpanch.

Explanation. — In this section, 'medical practitioner' includes a hakim or vaidya, whether registered or not.

60. **Power of entry of Officers to take preventive measures.** — (1) The Health Officer or any person authorized by him in this behalf, may —

(a) at all reasonable hours, inspect with or without assistants any place in which any notified disease is reported or suspected to exist without notice in the case of factories, workshops, work-places, offices and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses; and

(b) take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may, in local areas, be exercised also by the local authority or any person authorised by such authority.

61. **Destruction of hut or shed to prevent spread of infections.** — (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider reasonable, shall be paid to any person who in its opinion sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1) but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

62. **Closure of lodging houses.** — If, on the application of the Health Officer, a Magistrate is satisfied that it is necessary in the interests of public health that a lodging house or any place where articles of food are sold, or prepared, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house or place of a case of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection.

63. **Infected clothes not to be sent to laundry.** — No person shall —

(1) send or take to any laundry or public wash-house or any public water-course, tank or well, for the purpose of being washed or to any place for the purpose of being cleaned, any clothing, bedding or other article which he knows to have been exposed to infection from any notified disease, unless such article has been disinfected by or to the satisfaction of the Health Officer or a registered medical practitioner, or unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or

(2) place or cause or permit to be placed in any dust-bin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a notified disease and which has not been disinfected.

64. **Infected persons not to use public conveyance.** — (1) No person who knows that he is suffering from notified disease shall —

(a) enter any public conveyance used for the conveyance of passengers at separate fares, or

(b) enter any other public conveyance,

(2) No person having the care of a person when he knows to be suffering from a notified disease shall permit that person to be carried —

(a) in any public conveyance used for the conveyance of passengers at separate fares, or

(b) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver or conductor of a public conveyance used for the conveyance of passengers

at separate fares shall not convey therein a person whom he knows to be suffering from a notified disease, at any time when a passenger not suffering from such disease is being conveyed therein:

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid in such cases of emergency and subject to such restrictions and safeguards as may be notified by the Government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notified disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of sub-sections (5) and (6).

(5) If a person suffering from a notified disease is conveyed in a public conveyance, the person in-charge thereof shall as soon as practicable give notice to the Health Officer of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The local authority when so requested by the person in-charge of a public conveyance in which a person suffering from a notified disease has been conveyed shall provide for its disinfection.

65. **Letting or sub-letting a building occupied by an infected person.** — No person shall, without a special permission from the Health Officer, let or sub-let or permit or suffer any prospective tenant to enter a building in which he knows or has reasons to know that a person has been suffering from a notified disease within the three months immediately preceding.

66. **Prohibition of exposure of other persons to infection.** — (1) No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in —

(a) any street or public place, or

(b) any market, theatre or other place of entertainment or assembly, or

(c) any school, college, playground or such other place, or

(d) any hotel, hostel, boarding house, choultry, rest-house, or club, or

(e) any factory or shop.

Explanation. — A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Health Officer or Sanitary Inspector, or a medical practitioner registered under the Indian Medical Council Act, 1956 (Central Act 102 of 1956) that he is so suffering.

(2) No person who has care of a person whom he knows to be suffering from a notified disease shall cause or permit that person to expose others to risk of infection by his presence or conduct in any place referred to in sub-section (1).

67. **Forbidding work in infected premises.** — (1) If a case of notified disease occurs on any premises, the Health Officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to be given out to any person living or working on those premises or in such part thereof as may be specified in the order, and any order so made be served on the occupier of the factory from which the work is given out or on any contractor employed by the occupier.

(2) An order under this section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or be expressed to be operative so long as any other reasonable precautions specified in the order are taken.

(3) This section applies to the making, cleaning washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may, from time to time, be notified by the Director.

68. **Prohibition of use of public library by infected person.** — No person who knows that he is suffering from a notified disease shall take any book or cause any book to be taken for his use, or use any book taken from any public or circulating library.

69. **Disposal of bodies of persons dying while suffering from notified disease.** — (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or suffer persons to come unnecessarily into contact with, or proximity to, the body.

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the local authority concerned not below the rank of Health Officer or Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3) (a) If any such body not being a body kept in a mortuary remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building or of any adjoining or neighbouring building, any Magistrate may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

(b) A Magistrate may, in the case of the body of a person who has died while suffering from a notified disease, or in any other case in which he considers the immediate disposal of the body necessary, direct the body to be so disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(c) The expenses of the removal and disposal of any body under clause (a) or clause (b) shall be borne by the local authority; but such expenses may be recovered as if it were tax due to it, by the

local authority from any person who would have been legally liable therefor but for such removal and disposal, unless in the opinion of the local authority he is too poor to do so.

(4) (a) If any person dies in a hospital or a place of temporary accommodation for the sick while suffering from a notified disease, and the Health Officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(b) When a body is removed for the purpose aforesaid it shall forthwith be taken direct to a burial or burning ground or a crematorium and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer or a Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who had died while suffering from a notified disease.

70. Power of Magistrate to prohibit an assembly of more than fifty persons. — In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate, not being a Magistrate of the third class, having local jurisdiction shall have power to prohibit either generally or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty in any place whether public or private or in any circumstances, or for any purpose, if in his opinion such assemblages in such place, in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

71. Power of Government to confer special powers on officers to control notified disease. — (1) (a) In the event of the prevalence or threatened outbreak of a notified disease in any place or area, Government may declare that such place or area is visited by or threatened with, an outbreak of such disease.

(b) The power conferred on the Government by clause (a) may also be exercised, in the case of a place or area situated in a district, by the Collector of the district subject to the control of the Government.

(c) Any declaration made by the Government under clause (a) or withdrawal thereof in whole or in part shall be published in the Official Gazette and shall come into operation on the date of such publication.

(d) Any declaration made by the Collector under clause (b) or withdrawal thereof in whole or in part shall be published in the Official Gazette and shall come into operation on the date of such publication.

(2) When a declaration under clause (a) or clause (b) of sub-section (1) comes into operation, and until withdrawn, the Collector or any person duly authorised by him by general or special order, or if empowered in this behalf by rules made under this Act, the Health Officer or any other officer of the Government other than the Collector may, subject to such exceptions, restrictions, limitations and conditions as may be prescribed either generally or in the case of the notified disease to which the declaration relates, exercise the following powers, namely: —

(a) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;

(b) power to make vaccination and preventive innoculations compulsory subject to the provisions of sub-section (3);

(c) power to direct —

(i) that persons arriving from places outside the local area, or residing in any building, adjacent to, or in the neighbouring of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection; and

(iii) that any such person shall give address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days;

(d) power to take such measures as may be necessary in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease, including (i) the placing of restrictions on the movements of such persons, and (ii) the destruction of such articles and the placing of restrictions on their export from, import into, or transport within the local area;

(e) power to direct that any consignment of grain exported into such area by rail, road or otherwise, shall be examined and, if necessary unloaded and disinfected in any specified manner;

(f) power to close all or any existing markets and to appoint special places where markets may be held; and

(g) power to direct the local authorities to take such measures as may be necessary in respect of cattle within local area;

(3) (a) If any person who, or a child in whose care, is sought to be vaccinated or innoculated in pursuance of the power referred to in clause (b) of sub-section (2) declare before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or innoculation, will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representation by him or on his behalf exempt such person or child from vaccination or innoculation, on such person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be, directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption, shall be granted to any person who has been so convicted.

(b) Any person who commits a breach of any undertaking given by him under clause (a) shall be punished with imprisonment which may extend to three months, or with fine or with both.

(4) The local authority may, in its discretion give compensation to any person who, in its opinion has sustained substantial loss by the destruction of any property under the powers conferred by this section but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

72. Destruction of rats, mice, etc. — (1) The occupier of every premises, or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice and other animals susceptible to plague infecting such premises.

(2) Where the Health Officer is of the opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him by sub-section (1), he may either —

(a) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice, or

(b) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice and other animals susceptible to plague infesting the same, after giving not less than twenty-four hours previous notice to such occupier or owner.

(3) Any expenses incurred under clause (b) of sub-section (2) may be recovered by the local authority concerned from the occupier or owner as the case may be, as if it were a tax due from him to the local authority.

PART III

VENEREAL DISEASES

73. Provisions for treatment of venereal diseases by local authority. — (1) A local authority may, and if so required by the Government shall, make such arrangements in its local area as may be directed by the Government for —

(a) the free diagnosis and treatment of persons suffering, or suspected to suffer, from venereal diseases; and

(b) the prevention of infection from such diseases.

(2) The local authority may for the purpose mentioned in sub-section (1) enter into contract —

(a) with any other authority, or

(b) with a hospital or medical institution recognized by the Government in this behalf, or

(c) with the sanction of the Government with any medical practitioner registered under the Indian Medical Council Act, 1956 (Central Act 102 of 1956).

74. Patient to be instructed in methods of prevention of spread of venereal disease. — Every physician or other person treating, or examining with a view to treating, a person having a venereal disease shall at the first visit —

(a) impress upon such person the necessity for treatment until he is cured;

(b) instruct him in regard to the measures necessary for preventing the spread of the disease; and

(c) furnish him with such other information relating to the disease as may be provided by the Director.

PART IV

POWER TO MAKE RULES

75. Rules for prevention, treatment and control of certain diseases. — The Government shall have power to make such rules as they deem fit for the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases and the rules may declare by what authority or authorities such rules shall be enforced and executed.

CHAPTER VIII

Mosquito control

76. Prohibition of mosquito breeding in collections of water. — (1) If the provisions of this section have been extended to any local area, no person or local authority shall, after such extension —

(a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed; or

(b) cause, permit, or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed, unless such collection has been so treated as effectively to prevent such breeding.

Explanation. — Troughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(2) The natural presence of mosquitoes larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

77. Treatment of mosquito breeding places. — (1) The Health Officer may, by notice in writing, require the owner of the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, not being less than twenty-four hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method, being measures or a method, approved by the Director, as the Health Officer may consider suitable in the circumstances.

(2) If the notice under sub-section (1) is served on the occupier, he shall in the absence of a contract expressed or implied to the contrary be entitled to recover from the owner the reasonable expenses incurred by him in taking the measures or adopting the method of treatment specified in the notice and may deduct the amount of such expenses from the rent is then, or which may thereafter be, due from him to the owner.

78. **Health Officer's powers in case of default.** — If the person on whom a notice is served under section 77 refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Health Officer may himself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property as the case may be, in the same manner as if it were a property tax.

79. **Protection of anti-mosquito works.** — Where with the object of preventing the breeding of mosquitoes in any land or building, the Government or any local authority or the owner or occupier at the instance of the Government or any local authority, have constructed any works in such land or building, the owner for the time being, as well as the occupier for the time being, of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

80. **Prohibition of interference with such works.** — (1) No person shall, without the consent of the Health Officer interfere with, injure, destroy or render useless, any work executed on any land or buildings, by or under the orders of the Health Officer with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Health Officer may re-execute the work or replace the materials or things as the case may be, and the cost of doing so shall be recovered from such person in the same manner as if it were a property tax.

81. **Power of Health staff to enter and inspect premises.** — For the purpose of enforcing the provisions contained in this Chapter, the Health Officer or any officer of a local authority not below the rank of Health or Sanitary Inspector may, at all reasonable time after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building within his jurisdiction; and the occupier or the owner as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required by him for the purpose aforesaid.

CHAPTER IX

Sanitation and buildings

PART I

CONTROL OVER INSANITARY BUILDINGS

82. **New building not to be erected on certain sites.** — (1) No person shall erect a new building on any ground which has been filled up with faecal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

(2) Against the refusal of the Health Officer to issue a certificate under sub-section (1), an appeal shall lie to the Government whose decision shall be final.

83. **Cleansing court-yard or passage used in common.** — (1) If any court-yard or passage which is used in common by the occupants of two or more buildings, but is not a public street, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the Health Officer, he may cause such court-yard or passage to be swept and cleaned.

(2) The local authority may recover any expenses reasonably incurred by the Health Officer under sub-section (1) from the occupants of the buildings in such proportions as may be determined by the Health Officer.

84. **Dwelling house unfit for human habitation to be vacated.** — (1) If any dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation he may, in cases not falling under section 42, apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion for human habitation until in the opinion of the Health Officer it is rendered fit therefor:

Provided that before making an order under this sub-section, the local authority shall give the owner and the occupier or occupiers, if any, concerned, a reasonable opportunity of showing cause why such an order should not be made.

(2) When any order has been made under sub-section (1), the local authority shall cause a copy of the order to be communicated to the owner as well as to every occupier concerned; and every such occupier shall be bound to cease to inhabit the dwelling house or portion thereof, as the case may be, within thirty days after the communication of the order to him.

(3) The owner of any dwelling house or portion of a dwelling house in respect of which an order under sub-section (1) is in force, shall not let or occupy, or permit to be let or occupied such dwelling house or portion or any part thereof, as a human habitation.

PART II

ABATEMENT OF OVERCROWDING

85. **Definition.** — In this part —

(1) "tenement" means a dwelling house and includes, —

(a) any part of a dwelling house which is capable of separate occupation; and

(b) a students' hostel under public or recognized control, but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and

(2) "landlord" means the immediate landlord of the occupier or occupiers of a tenement.

86. **Duties of landlord.** — A landlord of a tenement —

(a) shall maintain it in a habitable condition; and

(b) except temporarily on occasions such as marriage and the like shall not cause or permit the tenement to be overcrowded:

Provided that no proceedings shall be instituted against the landlord in respect of any in-

fringement by him of the provisions of this section, unless a notice in writing that the tenement is not in a habitable condition or that it is overcrowded, has been served upon the landlord or his agent by the Health Officer, and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably open to him for putting the tenement in habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary the taking of legal proceedings for possession of the tenement.

87. **Power to make rules.** — The Government shall have power to make rules for determining —

(a) whether a tenement or any class of tenement is or not maintained in a habitable condition within the meaning of section 86; and

(b) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

CHAPTER X

Fairs and festivals

88. **Notification of fairs and festivals by Government.** — (1) The Government may, by notification —

(a) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purpose of this Chapter, be a notified fair or festival centre, for such period as may be specified in the notification; and

(b) define the limits of the area which shall for the purposes aforesaid, be the site for the fair or festival.

(2) The provisions of this Chapter shall apply only to fairs and festivals in connection with which a notification under sub-section (1) has been issued.

89. **Notice to be given of fair or festival.** — (1) The person or authority in charge of any fair or festival shall, not less than sixty days before the commencement, intimate to the local authority and Health Officer, or in the case the fair or festival is to be held within the jurisdiction of more than one local authority to each of the local authorities concerned, the date of commencement of such fair or festival, and the period for which it will last.

(2) The person or authority in charge of the fair or festival shall also furnish such other particulars relating to the fair or festival as may be called for by the local authority or Health Officer or any of the local authorities concerned.

90. **Sanitary arrangements, etc.** — The local authority within whose jurisdiction a fair or festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authority jointly, shall make provision for —

(1) the demarcation and preparation of the site of the fair or festival;

(2) the clearing and draining of the site;

(3) the disposition of the several parts of the fair or festival, including the alignment of roads within the site;

(4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and the proper preservation of such water;

(5) the accommodation of pilgrims and visitors, to such extent as may be practicable;

(6) the lighting of the fair or festival;

(7) the supply by suitable persons of wholesome food, at reasonable rates, to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival;

(8) the collection, removal and disposal of refuse, rubbish and sewage;

(9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festival;

(10) the detection and segregation of cases of infectious diseases and the prevention of the introduction and spread of such diseases;

(11) the employment of adequate medical staff, the provision of medical relief, and the furnishing of hospital accommodation both of general and isolation purposes; and

(12) such other purposes as may be prescribed.

91. **Health Officer to supervise the arrangements.** — The arrangements mentioned in section 90 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer of one of such local areas designated by the person or Committee referred to in section 90, or in case no Health Officer is so designated, under the supervision and control of the Health Officer concerned within their respective local areas.

92. **Power to enter and seize unwholesome food.** — (1) The Health Officer, or Health or Food Inspector or the local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf may —

(a) enter and inspect any building or shop in the fair or festival which is a source of food supply;

(b) for the purposes of inspection, have access to any source of water-supply on such or within such distance therefrom as the Government may, by general or special order, determine; and

(c) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival centre which he has reason to believe, is unwholesome or unfit for human consumption, and destroy the same forthwith if in his opinion, such food is of a perishable nature or the value thereof does not exceed three rupees.

(2) (a) Any Officer seizing any food under clause (c) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that behalf.

(b) If the authority or person aforesaid is of opinion that the food is unwholesome or unfit for human consumption such authority or person may, by order in writing, direct the food to be destroyed; and any expenses incurred in this behalf including the cost, if any, of analysing the food or a sample thereof shall be recoverable from the person from whom the food was seized, as if it were a tax due from him to the local authority or any of the local authorities concerned.

(c) If the authority or person aforesaid is of opinion that such food is wholesome and fit for human consumption, the food shall be returned to the person from whom it was seized and the cost, if any, of analysing the food or a sample thereof shall be borne by the local authority or local authorities concerned.

93. **Occupation of building, etc. required in connection with fair or festival.** — (1) The local authority may, in case of emergency with the sanction of the Collector, depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894), any land or any building not being a dwelling house in the notified fair or festival centre which in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival, such as the construction of pilgrim-sheds, water-sheds, hospitals, segregation sheds, latrines and the like:

Provided that if the land or building is occupied, notice shall be given in writing to the occupant or be conspicuously affixed on such land or building, not less than twenty-four hours before it is entered upon.

(2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Collector.

(3) The local authority shall, when any such land or building ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

94. **Control over private sources of water supply.** — (1) The Health Officer may, by notice in writing require the owner of, or other person having control over any source of water-supply situated on the fair or festival site, or within such distance therefrom as the Government by general or special order determine, to close or disinfect such source within a specified time if, in the opinion of the Health Officer, it is likely to endanger or cause the spread of disease amongst persons resorting to the festival or fair.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may himself take the necessary action; and the whole of the expenses incurred in doing so or such part thereof as the Health Officer may determine to be reasonable shall be recovered from such owner or person as if it were a tax due from him to the local authority or any of the local authorities concerned.

CHAPTER XI

General

95. **Powers to impose conditions in respect of certain services.** — The Government, with a view to prevent spread of deceases, may, in respect of persons engaged in or serving in establishments like hair cutting saloons, laundry, hotels including restaurants and bars, and, such other services which may be notified from time to time, prescribe the conditions to be observed by such persons.

CHAPTER XII

Rules, bye-laws, penalties, etc.

96. **Power of Government to make rules.** — (1) The Government shall, in addition to the rule-making powers conferred on them by any other provision contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may make rules —

(a) with reference to all matters expressly required, or allowed, by this Act to be prescribed; and

(b) regulating the situations in which sanitary conveniences for the use of the public shall be constructed by a local authority, and the number of such sanitary conveniences.

97. **Penalty for breach of rules.** — (1) In making a rule under section 75, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months or with fine or with both.

(2) In making a rule under any other provision contained in this Act, the Government may provide that a breach of such rule shall be punishable —

(i) with fine which may extend to one hundred rupees and in case of a continuing breach, with fine which may extend to thirty rupees for every day during which the breach continues after conviction for the first breach; or

(ii) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the local authority or the Health Officer to discontinue such breach.

98. **Bye-laws by local authorities.** — Any local authority may make bye-laws not inconsistent with this Act or the rules made thereunder or with any other law, for carrying out all or any of the purposes of this Act.

99. **Breach of bye-laws.** — In making a bye-law, the local authority may provide that a breach thereof shall be punishable: —

(a) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the local authority or the Health Officer to discontinue such breach.

100. Procedure for making or altering bye-laws. — In regard to bye-laws made by a local authority under sections 98 and 99, the procedure laid down in the Act governing the local authority shall apply.

101. Penalties for offences against Act, etc. — (1) Whoever —

(a) contravenes any of the provisions of this Act; or

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the provisions of this Act shall be punished with fine which may extend to two thousand rupees.

(2) Whoever after having convicted of —

(a) contravening any of the provisions of this Act; or

(b) contravening any rule or order made under any of the provisions so specified; or

(c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the provision continues to contravene the said provision or the said rule or order or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he contiunes so to offend, with fine which may extend to fifty rupees.

102. Penalty for preventing entry of local authority or Health Officer. — Every person who prevents the local authority or the Health Officer or any person to whom the local authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building from exercising his lawful power of entering thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

CHAPTER XIII

Miscellaneous

103. Appeal against decision of Health Officer. — Any decision of the Health Officer against which an appeal is not otherwise provided for in this Act shall be subject to such appeal as may be prescribed.

104. Method of serving notices. — (1) When any notice is required to be given by this Act or by any rule, bye-laws, regulation or order made under it, such notice shall be given —

(a) by giving or tendering the notice to such person; or

(b) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the local area and his address elsewhere is known to the local authority, by sending the same to him by post, registered; or

(d) if none of the means aforesaid be available by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

105. Cognizance of offences against Act. — No person shall be tried for any offence against the provisions of this Act, or of any rule, or bye-laws made under it, unless complaint is made within three months of the commission of the offence by the Police, or the local authority or the Health Officer, or by a person expressly authorised in this behalf by the local authority, or the Government:

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1973 (Act 2 of 1974), in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

106. Power to compound offences. — The local authority or the Health Officer may compound any offence against this Act or the rules or bye-laws made thereunder which may, by rules made by the Government, be declared compoundable.

107. Power to police officers to arrest offenders against Act, etc. — Any police officer who sees a person committing an offence against any of the provisions of this Act or of any rules or bye-laws made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name and address or give a name and address which the officer has reason to believe to be false.

108. Powers of public health staff to arrest offenders against Act, etc. — Any member of the public health establishment of a local authority not below the rank of a Health or Sanitary Inspector or Food Inspector who sees a person committing offence against any of the provisions of this Act in the area over which the local authority has jurisdiction, may arrest such person if his name and address are unknown to and such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false. Any person so arrested shall be handed over to the Officer-in-charge of the nearest police station as expeditiously as possible.

109. Procedure after arrest.—Any person arrested for an offence under this Act shall be informed, as soon as may be of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate

and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

110. Bar of suits and prosecutions in certain cases. — (1) No suit, prosecution or other proceeding shall lie against any local authority or against the Government or any officer or servant of a local authority, or of the Government, or against any person appointed under section 11 of this Act, for any act done or purporting to be done under this Act, without the previous sanction of the Government.

(2) No local authority, officer or servant of any local authority or of the Government and no person appointed under section 11 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

111. Punishment for malicious abuse of powers. — Any local authority or any officer or servant of a local authority or of the Government, or any person appointed under section 11 of this Act, who maliciously abuses any powers conferred on him by or under this Act shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

Explanation. — No prosecution shall be instituted under this section without the previous sanction of the Government.

112. Delegation of powers by Government. — The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorise any person to exercise any one or more of the powers vested in them by this Act and may in like manner withdraw such authority:

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act.

113. Act to override other enactments. — If any provision relating to public health contained in any other enactment in force in this Union territory is repugnant to any provision contained in this Act the provision of this Act shall prevail and the provision contained in such other Act shall to the extent of the repugnancy, be void.

Statement of Objects and Reasons

The Bill seeks to achieve positive health of the people through a comprehensive and effective regulation. The Bill seeks to impose certain duties on the people as also the local authorities to ensure that proper sanitary and health measures are adopted by them.

The Bill also seeks to control infectious diseases and contagious diseases and lays down certain duties on public as also the local authorities which are to be carried out in the event of outbreak of such diseases. Under the provisions of the Bill every new construction should have proper water supply, drainage and sanitary conveniences.

The Bill prohibits certain activities which may cause danger to health of the people.

The Bill, in general, seeks to safeguard the health of the people of this territory.

Financial Memorandum

Under the Bill most of the duties are to be performed by the existing staff of the Directorate of Health Services. Only in the event of sudden outbreak of epidemic diseases or contagious diseases additional staff would be required. At this stage the financial implications involved on this account cannot be ascertained. The Bill also provides for levying certain fines for default on the part of public to carry out the duties cast on them. The revenue, which may accrue on this account, cannot be ascertained at this stage.

Memorandum on Delegated Legislation

Clauses 87 and 96 of the Bill enables the Government to frame rules under the Act. Clause 97 also enables the local authorities to frame bye-laws under the Act. This delegation is of normal character.

Panaji,
21st July, 1981.

DR. WILFRED D'SOUZA
Minister for Health

Assembly Hall,
Panaji,
22nd July, 1981.

M. M. NAIK
Secretary to the Legislative Assembly of Goa, Daman and Diu.

LA/B/7/1339/81

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 27th July, 1981 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1981

(Bill No. 12 of 1981)

A

BILL

further to amend the Goa, Daman and Diu Excise Duty Act, 1964.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Excise Duty (Amendment) Act, 1981.

(2) It shall come into force at once.

2. *Amendment of section 2.* — In section 2 of the Goa, Daman and Diu Excise Duty Act, 1964 (5 of 1964) (hereinafter referred to as the 'principal Act'),

for clause (kkk), the following shall be substituted, namely: —

"(kkk) "intoxicating drug" means —

(i) the leaves, small stalks and flowering on fruiting top, of the Indian hemp plant;

(ii) bhang, siddi or ganja;

(iii) charas, that is to say, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulation, other than those necessary for packing and transport; or

(iv) coca leaf, that is to say, the leaf of coca plant (which means the plant of any species of the genus erythroxylon), except of leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed;

(v) coca derivative, that is to say, —

(a) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;

(b) ecgonine, having the chemical formula $C_9 H_{15} NO_3$ and all the derivatives of ecgonine from which it can be recovered;

(c) cocaine, that is methylester of benzoyl ecgonine having the chemical formula $C_{17} H_{21} NO_4$ and its salts and

(d) all preparations containing more than 0.1 percent, cocaine;

(vi) any mixture, with or without neutral materials, of any of the intoxicating drugs mentioned in above sub-clauses;".

3. *Amendment of section 23.* — In section 23 of the principal Act, —

(i) the existing section 23 shall be re-numbered as sub-section (1) thereof;

(ii) after sub-section (1), as so re-numbered, the following sub-section shall be inserted, namely: —

"(2) Any Police Officer, not below such rank as may be prescribed, may also exercise the powers conferred on the Commissioner or an Excise Officer under sub-section (1) in respect of intoxicating drug or opium.".

4. *Amendment of section 24.* — In section 24 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely: —

"Provided that any Police Officer, not below such rank as may be prescribed, may also investigate into an offence relating to intoxicating drug or opium committed within the limits of the area in which such Police Officer exercises jurisdiction.".

5. *Amendment of section 27.* — In section 27 of the principal Act, —

(i) in the marginal heading, the words "of excise officer" shall be omitted;

(ii) in proviso to sub-section (1), after the words "no search" and before the word "shall", the words "except in case of an offence relating to intoxicating drug or opium", shall be inserted;

(iii) proviso to sub-section (2) shall be omitted;

(iv) after sub-section (2), the following sub-sections shall be inserted, namely: —

"(3) Any Police Officer, not below such rank as may be prescribed, may also exercise the powers conferred on an officer of the Excise Department under sub-sections (1) and (2), if he has reason to believe that an offence relating to intoxicating drug or opium has been, is being, or is likely to be committed in any place and that a search warrant cannot be obtained without affording the offender an opportunity of concealing evidence of the offence.

(4) Every person arrested under this section for an offence which is bailable shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance before a Magistrate or an Excise Officer.".

6. *Amendment of section 30.* — In section 30 of the Principal Act, in item (i) of clause (f), for the word "three", the word "seven" shall be substituted.

7. *Amendment of section 33.* — In section 33 of the principal Act, after the word "shall" and the comma, and before the words "on conviction", the words "without prejudice to the provisions of section 30," shall be inserted.

8. *Amendment of section 34.* — In section 34 of the principal Act, in sub-section (1), for the words "Any Excise Officer", the words "Any Excise Officer or a Police Officer" shall be substituted.

9. *Amendment of section 36A.* — In section 36A of the Principal Act, —

(i) in sub-section (1), at the end, the following words shall be added namely: —

"Or by any Police Officer of such rank as may be prescribed where the offence relates to intoxicating drug or opium.";

(ii) in sub-section (4), at the end, the words "except that an offence relating to intoxicating drug or opium shall be non-bailable." shall be added.

Statement of Objects and Reasons

On account of increase in rates and the complexity of the offences relating to unauthorised import, transport, possession, sale, consumption etc. of intoxicating drugs and opium in this territory and the pre-occupation of the existing machinery of the Excise Department in regulating the manufacture, sale, distribution and consumption of liquor and realising Excise Duty therefrom, this Department is not in a position to cope with the detection, investigation and prosecution of these offences single-handedly. The Government, therefore, consider it appropriate to associate the Police also in this task, as the Police is a vast organised force with necessary skill and experience for detection, investigation and prosecution of these kinds of cases. It will also be easier for the Police to have liaison with other National/State agencies dealing with detection/investigation of cases of narcotics and drugs which sometimes involve more than one State in their operations. To achieve this object,

appropriate amendments to the Goa, Daman and Diu Excise Duty Act, 1964 providing for search, inspection, seizure, investigation and prosecution of the offences are necessary.

2. It is also proposed to increase the penalty of imprisonment from 3 years to 7 years for the offences relating to intoxicating drugs and opium and to make these offences non-bailable in order to make the punishment more deterrent. Opportunity is also being availed of to widen the scope of the definition of the term "intoxicating drug" so as to bring it in consonance with the "Narcotic Drugs and Psychotropic Substance Bill" which is under consideration of the Government of India.

This Bill seeks to achieve the said objects.

Note on Delegated Legislation

The Bill empowers the Government to make rules for the purposes of implementing the same after it becomes an Act. The delegation is of normal character.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
18th July, 1981.

P. R. RANE
CHIEF MINISTER

Assembly Hall,
Panaji,
23rd July, 1981.

M. M. NAIK
Secretary to the Legislative Assembly of Goa, Daman and Diu

(Annexure to Bill No. 12 of 1981)

The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1981

.....

The Goa, Daman and Diu Excise Duty Act, 1964
(Act No. 5 of 1964)

.....

2. *Definitions:* —

(kkk) "intoxicating drug" means —

(i) the leaves, small stalks and flowering on fruiting top, of the Indian hemp plant;

(ii) bhang, siddi or ganja;

(iii) charas, that is to say, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulation, other than those necessary for packing and transport; or

(iv) any mixture, with or without neutral materials, of any of the intoxicating drugs mentioned in sub-clauses (i), (ii) and (iii);

23. *Power to enter and inspect place of manufacture and sale.* — The Commissioner or any Excise Officer not below such rank as may be prescribed, may, —

(a) enter and inspect at any time by day or by night any place in which any licensed manufacturer carried on the manufacture of or stores any excisable articles:

Provided that no Excise Officer other than the Commissioner shall so enter or search any residential premises unless he is accompanied by the Sarpanch, or the Panch or any other respectable person of the locality.

(b) enter and inspect at any time within the hours during which sale is permitted and at any other time during which the same may be open, any place in which any excisable article or foreign liquor is kept for sale by any person holding a licence under this Act;

(c) examine any book, account, or register or examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, excisable article or foreign liquor found in any such place as is referred to in clauses (a) and (b) above; and

(d) seize any measures, weights or testing instruments which he has reason to believe to be false.

24. *Power to certain officers to investigate into offences.* — (1) Any officer of the Excise Department not below such rank as may be prescribed may investigate into any offence punishable under this Act committed within the limits of the area in which such officer exercises jurisdiction.

(2) Any such officer may exercise the same powers in respect of such investigation as an officer in charge of a police station may exercise in respect of an investigation into a cognizable case under the provisions of the Code of Criminal Procedure 1973 (Central Act 2 of 1974) and, if specially empowered in that behalf by the Government, such officer may for reasons to be recorded by him in writing, stop further proceedings against any person concerned in any such offence into which he has investigated.

27. *Power of excise officer to search without warrant.* — (1) Whenever an officer of the Excise Department not below such rank as may be prescribed, has reason to believe that an offence punishable under this Act has been, is being or is likely to be committed in any place and that a search warrant cannot be obtained without affording the offender an opportunity of concealing evidence of the offence, he may after recording his reasons and grounds of his belief, at any time, by day or night, enter and search such place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act:

Provided that no search shall be made during the hours from 7. p. m. to 7 a. m. save in exceptional circumstances and with the prior approval of the Commissioner.

(2) Any such officer may arrest any person found in such place whom he has reasons to believe to be guilty of any offence under this Act:

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or an Excise Officer.

30. *Penalty for contravention of provisions.* — Whoever, in contravention of this Act, or of any rules or orders made thereunder, or of the conditions in any licence or permit obtained under this Act, —

(a) imports, exports, transports or possesses any excisable article; or

(b) manufactures or produces any excisable article or bottles liquor; or

(c) constructs or works any distillery, brewery or pot still; or

(d) uses, keeps, or has in his possession any materials, still, utensils, implements or apparatus whatsoever for the purpose of manufacturing any excisable article; or

(e) sells any excisable article or foreign liquor; or

(f) draws toddy from any tree,

shall, on conviction before a Magistrate, be punished for each such offence with —

(i) imprisonment which may extend to three years, with or without fine, if the offence relates to intoxicating drug or opium as defined in clauses (kkk) and (oo) respectively, of section 2;

(ii) a fine which may extend to two thousand rupees or imprisonment for a term which may extend to two years or with both, if the offence relates to any other matter:

Provided that in respect of any offence under clause (f), the amount of fine may be such lower figure as may be prescribed.

33. *Penalty for possession of contraband excisable article.* — Whoever without lawful authority, has in his possession any quantity of excisable article knowing the same to have been unlawfully imported, transported or manufac-

tured or knowing that the prescribed duty has not been paid thereon, shall, on conviction before a Magistrate be punished with fine which may extend to two thousand rupees or with imprisonment which may extend to one year or with both.

34. *Vexatious search, seizure, etc. by officers.* — (1) Any Excise Officer or other person exercising powers under this Act, or under the rules made thereunder, who, —

(a) without reasonable ground of suspicion searches or causes to be searched any place;

(b) vexatiously and unnecessarily detains, searches or arrests any person;

(c) vexatiouslly and unnecessarily seizes the movable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(d) commits, as such officer, any other act to be injury of any person, without having reason to believe that, such act is required for the execution of his duty;

shall on conviction before a Magistrate, be punished with fine which may extend to two thousand rupees.

(2) Any person wilfully and maliciously giving false information and so causing an arrest or a search to be made under this Act shall be punishable with fine which may extend to two thousand rupees or with imprisonment for a term which may extend to two years or with both.

36A. *Cognisance of offences.* — (1) No Court shall take cognisance of an offence under this Act or under the rules made thereunder other than an offence under section 34 except on complaint made by the Commissioner or any other officer authorised by him either generally or specially in writing.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act or the rules made thereunder.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) any offence under this Act may be tried summarily.

(4) All offences punishable under this Act shall be cognizable and bailable.

Assembly Hall,
Panaji,
23rd July, 1981.

M. M. NAIK
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

LA/B/7/1340/81

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 27th July, 1981 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Comunidade Employees (Conditions of Service) Bill, 1981

(Bill No. 13 of 1981)

A

BILL

to provide for the regulation of conditions of service of the employees of the Comunidades and for matters connected therewith.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-Second year of the Republic of India as follows: —

1. **Short title, extent and commencement.** — (1) This Act may be called the Goa, Daman and Diu Comunidade Employees (Conditions of Service) Act, 1981.

(2) It shall extend to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

2. **Definitions.** — In this Act, unless the context otherwise requires, —

(1) "Administrator" means the Administrator of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(2) "appointed day" means the day of coming into force of this Act;

(3) "Code" means the Legislative Diploma No. 2070 dated 15th April, 1961;

(4) "Comunidade" means a Comunidade as constituted under the Code and which is in existence on the appointed day;

(5) "employee" means a person appointed under the Code and who is serving in connection with the affairs of a Comunidade on the appointed day;

(6) "post" means a post which exists in a Comunidade on the appointed day.

3. **Power to make rules regulating recruitment and conditions of service of employees.** — (1) The Administrator may make rules for the regulation of recruitment to posts and the conditions of service of the employees.

(2) Any such rule may be made so as to be retrospective to any date not earlier than the appointed day:

Provided that no person shall, by virtue of such retrospective effect, be liable to refund any amount paid to him by way of salary or allowances or pension before the making of any such rule.

4. **Repeal.** — (1) On the making of any rule under section 3, the corresponding law, if any, in respect of any matter for which provision is made in that rule, shall stand repealed with effect from the date of the coming into force of that rule.

(2) The provisions of sections 6 and 24 of the General Clauses Act, 1897 (Central Act 10 of 1897) shall apply to such repeal as if the rule and the corresponding law referred to in sub-section (1) were Central Acts.

Statement of Objects and Reasons

The employees of Comunidades are governed by provisions of Diploma Legislative No. 2070 dated 15-4-1961 and their service conditions are regulated by the E. F. U. as during the pre-liberation the Government employees were also governed by this Statute.

Subsequently, atfer the Liberation, the service conditions of Government servants were brought under the Central Civil Regulations and other Central Rules and for the purpose, the Goa, Daman and Diu Absorbed Employees Act, 1965 was enacted. The

provisions of this Act and the Rules framed thereunder were made applicable to Government servants w. e. f. 1-2-1966.

Some of the autonomous bodies which were also following the E. F. U. were covered by the Absorbed Employees Act. The only institution that was left out was the "Comunidades". As a result, the Comunidades employees are still drawing the pay fixed prior to 1961.

It is, therefore, necessary to extend full benefits applicable to Government employees by introducing this legislation which will regulate the service conditions of the Comunidades employees so as to bring them at par with the rights and benefits as enjoyed by Government servants from time to time.

By the present Bill, the Administrator is empowered to frame Rules so as to bring the employees of Comunidades at par with Government servants of Goa, Daman and Diu.

Financial Memorandum

No financial implications are involved in this Bill to the Exchequer as the 'Comunidades' is an autonomous institution under the titulage of Government.

Note on Delegated Legislation

Clause 3 of the Bill empowers the Administrator to frame Rules. The delegation is of normal character.

Panaji,
27th July, 1981.

SHAIKH HASSAN HAROON
Minister for Revenue

Assembly Hall,
Panaji,
27th July, 1981.

M. M. NAIK
Secretary to the Legislative Assembly
of Goa, Daman and Diu

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